

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

DERRICK JACOBS,

Plaintiff,

v.

CITY OF PHILADELPHIA, et al.,

Defendants.

CIVIL ACTION
NO. 19-4615

ORDER

AND NOW, this 20th day of January 2021, upon consideration of Defendants' Motion to Dismiss for Failure to State a Claim (Doc. No. 13), Plaintiff's Response in Opposition to Defendants' Motion (Doc. No. 14), and in accordance with the Opinion of the Court issued this date, it is **ORDERED** that Defendants' Motion (Doc. No. 13) is **GRANTED** in part and **DENIED** in part as follows:

1. Defendants' Motion to Dismiss Count 3 of the Amended Complaint (Doc. No. 12) is **GRANTED**.
2. Defendants' Motion to Dismiss Counts 1 and 2 of the Amended Complaint (Doc. No. 12) is **DENIED**.

BY THE COURT:

/s/ Joel H. Slomsky
JOEL H. SLOMSKY, J.